

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1, 9, 10 and 68-82 are pending in this application. Claims 1, 9 and 10 are rejected. Claims 68-82 are objected to (i.e., indicated as containing allowable subject matter). By this amendment, claims 1, 9 and 10 are canceled without prejudice or disclaimer. No new matter has been introduced by this amendment.

#### **Rejections under 35 U.S.C. 102**

In paragraph two (2) of the Office Action, claims 1, 9 and 10 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,318,582 to Minoura et al. ("Minoura").

As indicated above, claims 1, 9 and 10 have been canceled thereby rendering the rejections directed to these claims moot.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited document from the pending claims as set forth above, i.e., by canceling the rejected claims. However, these statements should not be regarded in any way as admissions that the cited document is, in fact, prior art.

#### **Allowable Subject Matter**

In paragraph three (3) of the Office Action, it is indicated that claims 68-82 contain allowable subject matter.

Applicant notes that by entering this amendment this application contains only allowable claims 68-82, i.e., the rejected claims 1, 9 and 10 have been canceled by this amendment.

In paragraph four (4) of the Office Action, it is indicated that “[i]n view of applicant’s failure to file a brief within the time prescribed by 37 CFR 41.37(a)(1), the appeal stands dismissed and the proceedings as to the rejected claims are considered terminated. See 37 CFR 1.197(b).” The Office Action goes on states that “[t]his application will be passed to issue on allowed claims 68-82 provided the following formal matters are corrected. Prosecution is otherwise closed.” The Office Action also indicates that “Applicant is required to make the necessary corrections within shortened statutory period set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.”

First of all, Applicant notes that Applicant did not file a notice of appeal in response to the Final Office Action dated July 3, 2008. Instead, an RCE along with a submission (i.e., Amendment under 37 C.F.R. §1.114) has been filed on September 30, 2008 in response to July 3, 2008 Final Office Action.

Secondly, this application now contains only allowable claims (i.e., claims 68-82) by entering this amendment.

Finally, Applicant believes that the shortened statutory period of this application expires three month from the mailing date of this letter as correctly indicated in the Office Action Summary page.

Applicant believes that the application as amended including only allowable claims is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

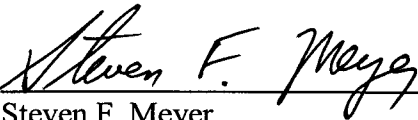
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 50-4827 (Order No. 1232-5177). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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